

Bills Committee on Race Discrimination Bill

Further information on the administrative guidelines on promotion of racial equality

Purpose

At the meeting held on 11 June 2008, Members raised a number of questions related to the Administration's plan for the administrative guidelines on promotion of racial equality. This paper provides the Administration's response.

Timetable for drawing up the guidelines

2. At the moment, our priority is to complete the legislative process for the enactment of the Race Discrimination Bill. We will start drafting the guidelines after the enactment of the Bill. The drafting process will involve further research and study of relevant experience and consultation with the relevant parties and stakeholders on details of the guidelines. We aim at producing draft guidelines in the fourth quarter of 2008 and, subject to the progress of consultation with relevant parties and stakeholders, issuing the guidelines in the first quarter of 2009.

3. The guidelines will focus on the key services including medical, education, vocational training, employment and major community services. They are expected to cover the Hospital Authority, Department of Health, the Education Bureau, Labour Department, Social Welfare Department and the

Home Affairs Department. They are also expected to involve other organisations including the Vocational Training Council, Employees Retraining Board and Construction Industry Council.

4. As part of the exercise, Bureaux and Departments will be invited to consider the measures to be implemented to eliminate unlawful racial discrimination, to promote racial equality and to enhance support services to ethnic minorities. In this process, Bureaux and Departments will be invited to consider drawing up relevant performance pledges, targets or indicators as appropriate.

Co-ordinating Mechanisms

5. The Constitutional and Mainland Affairs Bureau (CMAB) will be responsible for co-ordinating the preparation of the guidelines. It will also maintain an overview on implementation of the guidelines in the Administration as a whole. In doing so, we will be working closely with the relevant Bureaux and Departments and will hold meetings with them collectively or individually. We will consider setting up an inter-departmental body to coordinate the work on a need basis.

6. It is part of our plan to consult relevant parties including the relevant ethnic minority organisations and relevant NGOs for their views and suggestions on the guidelines. We will involve them through established channels such as the Committee on the Promotion of Racial Harmony and discussions with ethnic minorities organisations and NGOs.

Provision of resources

7. We recognise the importance of providing adequate resources for the implementation of measures formulated with reference to the guidelines. We will ask the Bureaux and Departments concerned to consider the resources required and, if they cannot absorb any additional resources required, additional resources would be sought through established channels and procedures.

Implementation

8. When published, the guidelines will be disseminated to the Bureaux and Departments involved and to the public, including the relevant NGOs. Individual Bureaux/Departments will be responsible for implementing the guidelines within their policy/programme areas and to liaise with their NGOs, as appropriate, to complement the Government's initiative.

9. We recognise the importance of training to enhance staff sensitivity and understanding of race-related issues and to facilitate the implementation of the guidelines. This applies to various levels of staff. We plan to explore with the Civil Service Training and Development Institute the feasibility of strengthening the various measures including the training modules in the relevant training programmes, training relating to the provision of customer service and self-learning kit. We also plan to discuss with the Equal Opportunities Commission to explore measures that would enhance staff awareness in connection with the enactment of the Race Discrimination Bill.

10. When completed, the guidelines and the implementation plans will be published for the information of the Legislative Council, the general public, relevant organisations of the ethnic minorities, other interested organisations and the media. They will also be posted on the Government website for public access.

11. As far as the progress of implementation is concerned, we will brief the relevant Panel of the Legislative Council so that Members and the public will be aware of the progress. If requests for information relating to the policies and measures involved is received from the public, we will advise Bureaux and Departments to provide relevant information falling within their areas of responsibility, as promptly and helpfully as possible.

12. With regard to assistance to ethnic minorities in overcoming the language barrier in using public services, we adopt a two-pronged approach. On the one hand, we devote substantial resources through the education system to promote the teaching and learning of non-Chinese speaking students and organise language training classes through the Race Relations Unit of CMAB for members of the ethnic minorities to learn the local language. On the other hand, we arrange interpretation services at various front-line units, including hospitals, job centres and welfare service units as necessary. In the coming year, we will establish four regional support service centres for ethnic minorities, especially to provide telephone interpretation services for ethnic minorities to facilitate their access to public services.

Consultation

13. We will consult relevant parties including the relevant ethnic minority organisations and NGOs in preparing the guidelines and in relevant matters concerning the implementation of the guidelines.

14. We will organise a meeting with relevant ethnic minority organisations and NGOs to exchange views as soon as practicable.

Monitoring

15. CMAB will maintain an overview on implementation in the Administration as a whole. Individual Bureaux/Departments will be responsible for implementing the guidelines within their policy/programme areas including, where applicable, monitoring the implementation of the guidelines by public authorities and NGOs within their portfolio. Detailed mechanism will be worked out.

16. At present, the Ombudsman has statutory authority under The Ombudsman Ordinance (Cap. 397) to investigate complaints of maladministration against the relevant government bureaux and departments. This means that the Ombudsman can investigate whether such bureaux/departments have failed to apply government administrative guidelines properly, like the proposed administrative guidelines on promotion of racial equality, within the confines of The Ombudsman Ordinance. We plan to liaise

with The Ombudsman on this further when drawing up the details of the proposed administrative guidelines.

17. We will consult the relevant Panel when we have the draft guidelines. We will also brief the panel on progress of implementation.

Response to Submissions concerning the guidelines

18. We note the views and concerns raised by the Association for the Advancement of Feminism. It should be noted that the guidelines represents a further step in our progressive approach to ensure effective measures in pursuance of the Government's policy to eliminate unlawful racial discrimination and to promote racial equality. The circumstances relating to race and gender are different. Hence, the approach taken will have to cater for the different circumstances. In the case of race, we aim to focus on key service areas which are specifically important to ethnic minorities and have an arrangement in place that would facilitate such an approach.

19. It should be noted that there is no specific provision in International Covenant on the Elimination of All Forms of Racial Discrimination which requires a State Party to implement such guidelines, not to say to legislate for them. Our planned introduction of administrative guidelines is a further step in addition to the enactment of the Race Discrimination Bill to promote racial equality.

Response to Submissions concerning education

20. With regard to the submissions from the Hong Kong Subsidized Secondary School Council and the Association of Hong Kong Chinese Middle Schools, we fully appreciate the concerns expressed, which we also consider justified. For the same reason, we have proposed to include Clauses 20 and 26 in the Bill, especially in view of the possible disruptions to educational institutions and service providers if the matters were not clarified in the law.

Constitutional and Mainland Affairs Bureau

June 2008